THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.26519 of 2005

Dated 13-12-2005

Between:

J.Latchaiah

…Petitioner

and

The Depot Manager,

APSRTC, Ibrahimpatnam Depot,

Ranga Reddy District

…Respondent

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.26519 of 2005

-

ORDER:

The petitioner is working as Driver in the Imbrahimpatnam Depot of A.P.S.R.T.C. On 18-11-2005, when he was driving a bus bearing No.A.P.10 Z-887, an old lady died, on account of an accident. The respndent conducted a preliminary enquiry and on the basis of the report so submitted, passed an order, dated 07-12-2005, suspending the petitioner from service. The same is challenged in this writ petition.

Sri P.Sridhar Rao, learned counsel for the petitioner submits that the old lady came

into contact with the bus in her effort to handover a tiffin box, when the bus was in motion, and that the petitioner was not at all responsible for the accident. Placing reliance upon the preliminary report, dated
30-11-2005, submitted by the Senior Traffic Inspector, he contends that no definite liability, as such was fixed upon the petitioner.

Learned Standing Counsel for the respondent, on the other hand, submits that the very fact that a person died, warrants that a detailed investigation be undertaken, and that the impugned order cannot be said to be without any basis.

The petitioner was placed under suspension, after conducting preliminary enquiry. It is not in dispute that a woman died in the accident that took place on 18-11-2005. The question as to whether the petitioner was negligent in driving the bus, and if so, the effect thereof, needs to be considered in the departmental enquiry. It is too early for this Court to record any finding in this regard. For the present, it cannot be said that there does not exist any basis for the respondent in passing the impugned order. The interests of the petitioner can be protected by directing the respondent to conclude the enquiry at the earliest.

Hence, the writ petition is disposed of, directing the respondent to conclude the disciplinary proceedings initiated against the petitioner, within a period of two months from the date of receipt of a copy of this order. In case the proceedings are not concluded within two months, the respondent shall consider the feasibility of reinstating the petitioner, if it is not going to cause any harm to the intersts of the Corporation. There shall be no order as to costs.

_____

L. NARASIMHA REDDY, J.

Dt.13-12-2005.

KO